

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF POWERTEL/KENTUCKY,)	
INC., A DELAWARE CORPORATION, FOR)	
ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO CONSTRUCT)	CASE NO.
A PERSONAL COMMUNICATIONS SERVICES)	98-548-UAC
FACILITY IN B-263 BASIC TRADING AREA (THE L-)	
KY-047-105 FACILITY))	

O R D E R

On February 25, 1999, Powertel/Kentucky, Inc. ("Powertel/Kentucky") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility is to be located at Lot 38B on Abby Court (Glendale Hill Neighborhood), Elizabethtown, Hardin County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 41' 3.69" by West Longitude 85° 51' 36.83".

Powertel/Kentucky has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and the plans have been certified by a Registered Professional Engineer.

Pursuant to KRS 100.987, Powertel/Kentucky has notified the Hardin County Planning and Development Commission (Planning Commission) of the proposed

construction. To date, no comments have been filed by the Planning Commission. Powertel/Kentucky has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both decisions are pending.

Powertel/Kentucky has filed notices verifying that each person who owns property within 500 feet of the proposed facility has been notified of the pending construction. The notice solicited any comments and informed the property owners of their right to request intervention. In addition, notice of the proposed construction has been published in a newspaper of general circulation in the affected area and posted in visible locations for at least two weeks after Powertel/Kentucky filed its application. Mr. John Bland, Jr., filed a written objection to the proposed construction, and was informed by the Secretary of the Commission, by letter dated March 15, 1999, that he should notify the Commission in writing if he wished to intervene. To date, no requests to intervene have been filed with the Commission.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Powertel/Kentucky should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Powertel/Kentucky.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the proposed structure is necessary to provide adequate service to Powertel/Kentucky's customers and that Powertel/Kentucky should, therefore, be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. Powertel/Kentucky is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility to be located at Lot 38B on Abby Court (Glendale Hill Neighborhood), Elizabethtown, Hardin County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 41' 3.69" by West Longitude 85° 51' 36.83".

2. Powertel/Kentucky shall file a copy of the final decisions regarding its pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.

3. Powertel/Kentucky shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 18th day of May, 1999.

By the Commission

ATTEST:

Executive Director